

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Applicant through his undersigned attorney expresses his appreciation for the time and effort that were made available in the telephonic Interview held on November 20, 2007 with the undersigned attorney and Examiners Kemmerle and Griffin. In the course of that interview, for which indication the Applicant expresses his appreciation, it was made clear that the insertion of a limitation to a time period for the rapid formation of the building materials, that is for the 2-5 minutes which is set forth in the specification as originally filed, would constitute subject matter that would raise new issues requiring additional search and/or consideration. Thus, it was stated that such limitation would not be considered in the present application, which is under final rejection status, but would be only considered in an application in which a Request for Continued Examination (RCE) is also submitted. Accordingly, Applicant submits a RCE herewith, together with the requisite fee.

Applicant further submits herewith a new Power of Attorney in favor of the undersigned attorney's firm (IPHorgan, Ltd.), and respectfully requests that all further correspondence from the USPTO be directed thereto.

Additionally, Applicant herewith submits a Request for Extension of Time in which to submit a response to the Office Action dated June 26, 2007, extending the period for response for three months until December 26, 2007. This response is filed within the extended period.

The Office Action dated June 26, 2007 indicates that Claims 1-5 are rejected over the Billwiller reference, which has been discussed in the Interview held on November 20, 2007. As discussed, Billwiller describes a method of manufacture in which a wet compound of building

The process hardening time for pellets used in semiconductor applications and having a very small size is not considered applicable to different elements having a size dimension that is at least an order of magnitude larger, such as the building materials contemplated by the presently claimed invention. Moreover, there is no showing in the rejection why a person of ordinary skill in the art would be led to modify the process of making solid insulating blocks (building materials) by using the teachings in a reference describing a method of making solid pellets from subliminal organic material hardening for a shortened when the precise teaching of the modified reference is to harden the blocks “for some twelve to sixteen hours”.

Furthermore, Applicant takes issue with the rejection of Claim 5 that is said to be anticipated by Billwiller. Firstly, Billwiller fails to describe each and every limitation recited in the claim, including the “preheated mold” and the “rapidly harden the admixture” limitations. The lack of either one of these limitations removes the reference as an anticipatory reference, but the lack of both makes it clearly both not anticipated and non-obvious. Not only Billwiller, but also none of the other cited references provides any teaching, suggestion or incentive to modify the teaching of Billwiller to reduce the hardening time, since such a reduction of the process described by Billwiller would make the teaching of such a process inoperative to produce the blocks. In view of the amendment to Claim 5 to reduce the time to between two (2) to five (5) minutes, such a modification would not be obvious and would be totally ineffective in producing the insulating blocks contemplated by Billwiller.

Similarly, the modification proposed in the rejection of Claim 3, to render the Billwiller process into an injection mold fails to teach how an injection mold could be maintained for twelve to sixteen hours, and still be functional to provide the necessary amount of product, and still make sufficient product for commercial processing. Also, the modification proposed in the

material is formed under pressure “for some twelve to sixteen hours” see page 1, line 105. By the above amendment, Applicant has recited the limitation that the admixture is “rapidly hardened” for a period of from 2 to 5 minutes under specified pressure and temperature parameters. Support for the limitation is found in the original disclosure at page 5, lines 8-9 (“shortening the time to form the building materials”), at page 10, line 11 and at page 12, line 9, (providing for a hardening time of “2 to 5 min”) and in the recitation in each of the claims of the original application in which the method steps recited therein performed the method “to rapidly harden” the admixture. No new matter is added.

This limitation, although generally present in the claims of the original filed application, was apparently not given any weight in respect of the patentability of at least Claims 1 and 2, and thus the temporal limitation, which more particularly points out and distinctly claims the subject matter of Applicant’s invention, with respect to the term “rapidly hardened” recited in the original application claims, has been added to more clearly recite the Applicant’s invention.

The Office Action further indicates that Claims 1-5 are rejected under 35 U.S.C. §103(a) over Billwiller in view of Ghosh et al. It is respectfully submitted that this rejection is improper for the reasons set forth above, and additionally for a number of reasons, but most specifically because the two references are not properly combinable, and because both references teach away from a modification that is proposed in the rejection set forth in the Office Action dated June 26, 2007. For example, Billwiller teaches much longer times for hardening the compounds than is contemplated and claimed in the present application. Ghosh et al. teach a forming process for pellets, not building materials. Neither of the references sets forth a prima facie case of obviousness since neither reference teaches that preheating of the mold, as recited in the claims.

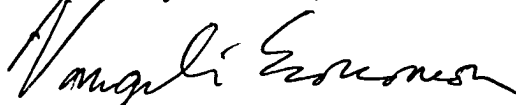
rejection of Claim 4, to render the Billwiller process by adding a heating element to an extruder fails to teach how the extruder could maintain the extruded product heated for "twelve to sixteen hours," and still be functional to provide the necessary amount of product, and still make sufficient product for commercial processing.

New method Claim 6 has been added that further defines and more particularly claims the subject matter considered by Applicant to comprise his invention. Support for the limitations of Claim 6 are found at page 11, lines 8-13. No new matter is added in the new claim.

For the above reasons, and also for the reasons set forth in Applicant's response to previous rejections, it is considered that the claims, as amended, find support in the application specification as filed, and that the combination of elements recited in the pending claims, as amended, distinguish over the references of record. Accordingly, reconsideration and withdrawal of the outstanding rejections are respectfully requested and an indication of allowable subject matter is earnestly solicited.

Submitted herewith are a Revocation of Prior Powers and a new Power of Attorney in favor of the Applicant's undersigned attorneys, and a Request for Continued Examination of this application. Should there be any question as to this response, or to any other matter, the Examiner is respectfully requested to contact the undersigned attorney to further clarify Applicant's position.

Respectfully submitted,


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